

REMARKS

This Amendment addresses the non-final Office Action dated April 30, 2010.

Claims 1-25 are pending prior to entry of this Amendment. New independent method claim 28 has been added. Support for this claim may be found at, for example, page 7, line 30 to page 8, line 6; page 9, line 27 to page 10, line 1 and at page 11, lines 5 to 18 of the subject published PCT specification. A new independent apparatus claim 29 has been added, as also supported by the foregoing.

Furthermore, reference to a "mobile phone" in the claims has been changed to a "device". Support for this clarification can be found throughout the specification, at least, for example, at page 5 lines 8 to 19. The claims also are clarified to recite "configured to" wording. It is respectfully noted that these clarifications are not made for reasons related to patentability and the full range of equivalents for the elements of the claims should remain intact.

No new matter is introduced into the application as a result of the foregoing changes.

Accordingly, upon entry of this Amendment, claims 1-25 and 28-29 are pending. Of those claims, claims 1, 15, 16, 24, 28 and 29 are independent.

In the afore-referenced Office Action, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner contends that claim 23 recites a "data carrier", but the specification does not specifically define "data carrier."

Applicant respectfully traverses the above rejection. However, "data carrier" is now deleted from claim 23 in the interest of advancing the prosecution of the subject application. Accordingly, this rejection should be reconsidered and withdrawn.

Claim 4 is then objected to because of the informality noted at page 2 of the Office Action. Accordingly, Applicant has corrected the spelling error in this claim to properly recite “country code” and thus this objection should be reconsidered and withdrawn.

Claims 1-17 and 23 are rejected under 35 USC Section 101 as being directed to non-statutory subject matter.

Applicant also respectfully traverses this rejection. However, in the further interest of advancing the prosecution of the subject application, these claims are clarified to recite “A non-transitory computer readable medium embodying ...”. Moreover, as noted above, claim 23 is clarified to remove “data carrier” and this claim now recites “A memory device ...”. Thus, the rejection under 35 USC Section 101 should be reconsidered and withdrawn.

Lastly, regarding the rejection based upon art, claims 1-25 are rejected under 35 USC Section 102(e) as being anticipated by Gibbons et al. (US Patent 7,275,243, Gibbons). Applicant respectfully disagrees with this rejection, and traverses the rejection for at least the reasons set forth below.

Before specifically addressing this rejection, the following description of non-limiting embodiments of the invention is presented to assist the Examiner.

Non-limiting and examples of embodiments of the invention relate to downloading software applications and have particular relevance to mobile phones. As indicated on page 1 of the specification, mobile phones are currently able to run downloaded external applications, as well as pre-installed embedded applications. An external application may be a platform independent application, such as a Java application, that runs on a resident virtual machine in the phone.

Java2 Micro Edition (J2ME) defines a Mobile Information Device Profile (MIDP) for mobile phones and similar handheld devices that have constraints on their user interfaces and system components, such as processing power and memory size. Software applications that conform to MIDP are called MIDlets and are downloaded as part of a MIDlet suite.

A MIDlet suite has two separate parts. The first, the Java Application Descriptor (JAD), describes the applications in the suite and is identified by a data file name with a ".jad" extension. The second, the Java Application Resource (JAR) contains the actual applications (the MIDlets) and is identified by a data file name with a ".jar" extension. The JAD allows the suitability of the application to be reviewed, by the user of the downloading device or the device itself, before the full JAR file is downloaded.

The Java Application Descriptor of a MIDlet suite contains the following set of attributes: MIDlet-Name, MIDlet-Version, MIDlet-Vendor, MIDlet-Jar-URL and MIDlet-Jar-Size. These predetermined set of attributes allow the downloading device to identify, retrieve, and install the MIDlet(s).

According to non-limiting embodiments of the invention, an application descriptor comprises a first data element (e.g. "MIDlet-Name: Converter") having a first data portion ("Converter"), a second data element (e.g. "MIDlet-Jar-URL: Cnv_V4_50_en-GB_sv-SE_fi-FI.jar") identifying the application (e.g. the Java Application Resource {JAR}). The application descriptor also comprises a plurality of third data elements (e.g. "MIDlet-Name-en-GB: Converter" and "MIDlet-Name-de: Ubersetzter", each of which has an individual locale identifier portion (e.g "en-GB" and "de" respectively) and a second data portion (e.g. "Converter" and "Ubersetzler" respectively) related to its individual locale identifier portion, according to some embodiments.

When a device receives a downloaded Java Application Descriptor, it can identify its own locale property using the method "getProperty()". The locale property of the device identifies the language the user has selected in his mobile phone (i.e. it

identifies the language setting of the mobile phone chosen by the user or the default language setting of the SIM card used by the end-user). The device then selects the value of the attribute that matches “MIDlet-Name-returned <language code>-<COUNTRY CODE>” to replace “MIDlet-Name”. For example, if the returned locale property is “en-GB”, the attribute “Converter” is chosen. The user is therefore is advantageously presented with the name of the MIDlet suite in his or her selected language, according to some embodiments.

Thus, non-limiting embodiments of Applicant's invention seek to provide an application description that enables the identification, retrieval and installation of an application with the name of the application in his or her selected language.

Gibbons discloses methods and systems for adapting software applications for download and execution on a variety of different mobile devices, which employ different application execution environments. Gibbons is primarily concerned with matching compatible applications according to the functionality required by the applications and the functionality provided by the mobile devices.

Gibbons also discloses a separate concept, which relates to a method and system for catalogue matching. In this, application developers can specify application keywords to suggest how a submitted application should be catalogued by content providers. The sections of Gibbons that the Examiner refers to and relies on in his anticipation rejection relate to this aspect of the Gibbons disclosure.

As described under the heading “Catalog Matching” in columns 20 to 22 of Gibbons, an application developer submits an application and a web descriptor file to a content provider. The web descriptor file comprises keywords suggested by the application developer regarding how the submitted application should be catalogued by content providers. The web descriptor file is parsed and keywords describing the submitted application are extracted. An extracted application keyword is compared to a set of catalogue keywords maintained by the content provider. Each catalogue keyword is associated with at least one category, for example a catalogue keyword

“calendar” may be associated with a category “utility applications”. The catalogue matching system allows content providers to automatically organize submitted applications into convenient categories at the time of submission. This catalogue matching aspect of the disclosure of Gibbons seeks to address issues such as those mentioned in column 3 lines 46 to 66, to provide a uniform and consistent categorization of applications submitted by an application developer to a content provider so that the applications can be organized by the content providers to facilitate user search and selection of the application.

Claims 1, 15, 16, 24, 28 and 29 of the subject application are independent, as noted above. Independent claims 1, 28 and 29 recite, in part, the feature “a second data element identifying the application”. It will be appreciated that the application referred to here relates to the application available for download, e.g., the application which the application descriptor describes, for example data element “MIDlet-Jar-URL: Cnv_V4_50_en-GB_sv-SE_fi-FI.jar” identifying the file name of the application (JAR file) and its location. Thus, such an identification of the location of the application can enable the application descriptor to provide sufficient information to enable the retrieval and hence installation of the application. Similarly, Applicant’s independent claims 15 and 16 recite, in part, “a second attribute having a value identifying the application resource”; and independent claim 24 recites, in part, “a second data element identifying an application resource.”

It is to be noted that Gibbons’ “web descriptor file” of Figure 11 is merely created by application developers in order to specify application keywords to suggest how a submitted application should be catalogued by content providers (column 20, lines 35 to 38). The web descriptor file of Gibbons does not comprise, for example, a data element which actually identifies an application. Nor does Gibbons disclose “a second attribute having a value identifying the application resource”, as recited in Applicant’s independent claims 15 and 16, or “a second data element identifying an application resource,” as recited in Applicant’s independent claim 24.

The Examiner equates Applicant's claimed feature of, for example, "a second data element identifying the application," as well as "second attribute" as corresponding to Gibbon's web descriptor tag. Applicant respectfully disagrees. The web descriptor tag merely identifies the file, i.e. web descriptor file itself, as being a web descriptor file. The web descriptor tag does not provide an identification of an application, let alone an application available for download. Indeed, it is noted that none of the tags of the web descriptor file, e.g. as shown in table 4 of column 21 or in Figure 11 of Gibbons, specifically identify an application. The web descriptor file merely provides key word categories that can be displayed, along with a short and long description of the application.

However, it is important to note that these are merely display labels and do not actually enable an application to be specifically identified, e.g. via its specific file name and location.

Thus, the Gibbons reference does not disclose (nor suggest) the subject matter recited in Applicant's independent claims. For example, as explained above, Gibbons' web descriptor file, for providing suggested category keywords, is completely different in structure, design, utility and purpose than that of, for example, Applicant's claimed application descriptor for enabling the identification, retrieval and installation of an application.

Gibbons fails to disclose, for example, the claimed feature of "a second data element identifying the application". Moreover, it would not be obvious for a person skilled in the art to incorporate such a feature into the web descriptor file. Gibbons on column 20 lines 55 to 56 discloses that a developer submits an application and a web descriptor file to a content provider. Thus, as the web descriptor file is provided at the same time that the application is provided, there is no need for the web descriptor file itself to contain a specific identification of the application, let alone an identification as to the file name and/or location of the application.

The web descriptor file of Gibbons is merely to enable categorization of an application by a content provider. It is not for, for instance, enhancing the process of downloading an application dependent upon the language/country of a downloading device.

A person skilled in the art would have no reason to modify the web descriptor file of Gibbons so as to arrive at an application descriptor as presently claimed.

Accordingly, as has been shown above, Gibbons fails at least to disclose the claimed feature of a second data element identifying the application. Moreover, Gibbons fails to provide any teaching, suggestion or motivation that would enable a person skilled in the art to modify Gibbons' web descriptor file so as to arrive at an application descriptor as presently claimed.

Since Gibbons does not disclose nor suggest the combination of features according to, for example, independent claim 1, it is asserted that this claim is thus patentable in view of Gibbons. The subject matter of the other independent claims is considered to be correspondingly patentable, for reasons set forth above.

Likewise, the subject matter of each of the dependent claims is considered to be allowable, at least, in light of their dependency from an independent claim, which is patentable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections based upon Gibbons.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Thus, a Notice of Allowance is earnestly solicited.

Respectfully submitted:

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